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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Ashod Mooradian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004	Case Number (s) 08-C-13108-DFM	(for Court's use) <div style="text-align: center;"> FILED OCT 18 2010 STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER </div>
Bar # 194283 In Pro Per Respondent Ronald M. Cohen P.O. Box 34755 Washington, D.C. 20043 (703) 981-7253	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
Bar # 114421 In the Matter of: RONALD MARC COHEN Bar # 114421 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **October 23, 1984**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar
- ☐ Costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ Costs entirely waived
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ Prior record of discipline
- (a) ☐ State Bar Court case # of prior case
- (b) ☐ Date prior discipline effective
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
- (d) ☐ Degree of prior discipline
- (e) ☐ If respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ Trust Violation: Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

- (8) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:
None.

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **See Stipulation Attachment, page 7, section "C", paragraph 1.**
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **See Stipulation Attachment, page 7, section "C", paragraph 2.**
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. **See Stipulation Attachment, page 7, section "C", paragraph 3.**
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:
None.

D. Discipline: **Disbarment.**

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☐ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.
- (4) ☐ **Other:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RONALD MARC COHEN, SBN 114421

CASE NUMBER(S): 08-C-13108

A. PARTIES ARE BOUND BY THE STIPULATED FACTS, CONCLUSIONS OF LAW AND DISPOSITION.

The parties intend to be and are hereby bound by the stipulated facts, conclusions of law, and disposition contained in this stipulation. This stipulation as to facts and the facts so stipulated shall independently survive even if the conclusions of law and/or stipulated disposition set forth herein are rejected or changed in any manner whatsoever by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

B. FACTS AND CONCLUSIONS OF LAW.

RONALD MARC COHEN ("Respondent") admits that the following facts are true and that he is culpable of violation of the specified statutes.

Statement of Facts:

1. Respondent was admitted to the practice of law in the State of California on October 23, 1984, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on September 29, 1976.

3. At all times relevant herein, Respondent maintained a membership with America Online ("AOL"), a global internet service provider, and had the AOL screen name "Zvaman."

4. Between April 2008 and May 2008, Respondent used his "Zvaman" AOL screen name to engage in five online conversations or Instant Message ("IM") chats with an AOL member with the screen name "Jess13sb." In addition, Respondent exchanged a total of thirty-one emails with "Jess13sb."

5. On April 4, 2008, Respondent and "Jess13sb" had their first IM chat on AOL. Within the first two minutes of this IM chat, Respondent asked "Jess13sb" her "a/s/l" or "age," "sex," "location." In reply, "Jess13sb" identified herself as a thirteen year old girl living in Arlington, Virginia. Respondent then identified himself as a fifty-three year old male living in Falls Church, Virginia.

6. At all relevant times herein, "Jess13sb" was actually an undercover Arlington County Police Detective.

Attachment

7. At all relevant times herein, after having been so informed, Respondent believed that "Jess13sb" was a thirteen year old girl living in Arlington, Virginia.

8. Between April 2008 and May 2008, each of Respondent's five online conversations or IM chats with "Jess13sb" included explicit discussions of sex. More than one of these online conversations included statements by Respondent that he wanted to engage in sexual intercourse with "Jess13sb" and explicit descriptions of various sexual acts he wanted to perform on "Jess13sb" or have "Jess13sb" perform on him.

9. Ultimately, Respondent persuaded "Jess13sb" to meet with him in person on May 8, 2008. Respondent's plan was to pick up "Jess13sb" from the parking lot of a local shopping center and take "Jess13sb" out to eat dinner at a restaurant outside of Arlington, Virginia. However, it was always Respondent's intention to pursue a sexual encounter and/or engage in sexual intercourse with "Jess13sb."

10. On May 8, 2008, Respondent arrived at the previously arranged parking lot to meet with "Jess13sb," whereupon he was arrested by the Arlington County Police Department.

11. On June 17, 2008, Respondent pled guilty to a violation of Virginia Code section 18.2-374.3 [Internet Solicitation of a Minor], felony and to a violation of Virginia Code section 18.2-370 [Attempted Indecent Liberties with a Child Under 15 years old], also a felony.

12. On July 3, 2008, a judgment of conviction for each felony was entered by the Arlington Circuit Court.

13. On October 28, 2008, the Arlington Circuit Court sentenced Respondent to incarceration with the Virginia Department of Corrections for a term of five (5) years. The Arlington Circuit Court then suspended four (4) years of the aforementioned sentence for a period of five (5) years on condition that:

- a) Respondent undergo mental health and sex offender evaluation counseling and treatment;
- b) Respondent have no computers or other technology that allowed access to the Internet, unless permitted by his Probation Officer;
- c) Respondent have no pornography;
- d) Respondent comply with registration for sex offender in the Commonwealth of Virginia or in any other jurisdiction he may reside;
- e) Respondent have no unsupervised contact with minors without the permission of his Probation Officer; and
- f) Respondent be placed on probation, from the date of sentencing, under the supervision of a Probation Officer for five (5) years, or unless sooner released by the court of by the Probation Officer.

Attachment

Conclusions of Law:

14. The facts and circumstances surrounding Respondent's conviction for violation of Virginia Code section 18.2-370 [Attempted Indecent Liberties with a Child Under 15 years old], a felony, involved moral turpitude pursuant to Business and Professions Code, sections 6101 and 6102.

15. The facts and circumstances surrounding Respondent's conviction for violation of Virginia Code section 18.2-374.3 [Internet Solicitation of a Minor], a felony, involved moral turpitude pursuant to Business and Professions Code, sections 6101 and 6102.

C. FACTS SUPPORTING MITIGATION.

1. Pursuant to Standard 1.2(e)(v), Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.

2. Pursuant to Standard 1.2(e)(vii), Respondent has expressed to the State Bar his remorse for his criminal and professional misconduct. Respondent is remorseful because he now understands that his criminal conduct, as described herein, posed an intolerable threat of harm to children, a flagrant disregard of societal norms and is otherwise unjustifiable.

3. Pursuant to Standard 1.2(e)(vi), Respondent has provided the State Bar with "good character" declarations from attorneys, Respondent's wife, clients and friends who attest to Respondent's good character prior to the commission of his criminal conduct herein.

D. AUTHORITIES SUPPORTING DISCIPLINE.

In *In re Silverton*,¹ the California Supreme Court held that the Standards For Attorney Sanctions For Professional Misconduct ("Standard" or "Standards") are entitled to "great weight" and the Court will "not reject a recommendation arising from the Standards unless [it has] grave doubts as to the propriety of the recommended discipline." The Standards are not binding but "they promote the consistent and uniform application of disciplinary measures."² The "presumptively appropriate level of discipline" for any misconduct is as set forth in the Standards.³

Applicable Standards:

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

¹ (2005) 36 Cal. 4th 81, 92.

² *Id.*

³ See *Morgan v. State Bar* (1990) 51 Cal.3d 598, 607.

Standard 1.6(b) provides that the specific discipline for the particular violation found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing disciplinary sanctions, as set forth in Standard 1.3.

Standard 3.2 states that the final "...conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a two-year actual suspension, prospective to any interim suspension imposed, irrespective of mitigating circumstances."

Aggravating & Mitigating Circumstances:

Standard 1.2(b) provides for a greater degree of sanction set forth in the standards where aggravating circumstances exist. In this matter there are no aggravating circumstances.

Standard 1.2(e) provides for a more lenient degree of sanction than set forth in the standards where mitigating circumstances exist. First, pursuant to Standard 1.2(e)(v), Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline. Second, pursuant to Standard 1.2(e)(vii), Respondent has expressed to the State Bar his remorse for his criminal and professional misconduct. Respondent is remorseful because he now understands that his criminal conduct, as described herein, posed an intolerable threat of harm to children, a flagrant disregard of societal norms and is otherwise unjustifiable. Third, pursuant to Standard 1.2(e)(vi), Respondent has provided the State Bar with "good character" declarations from attorneys, Respondent's wife, clients and friends who attest to Respondent's good character prior to the commission of his criminal conduct herein.

Caselaw:

In *In Re Duggan*,⁴ the Supreme Court, disbarred attorney Duggan for contributing to the delinquency of a minor in a context involving sexually inappropriate behavior. In *Duggan*, the Court held that "...[i]n this area our duty lies in the assurance that the public will be protected in the performance of the high duties of the attorney rather than in an analysis of the reasons for his delinquency. Our primary concern must be the fulfillment of proper professional standards, whatever the unfortunate cause, emotional or otherwise, for the attorney's failure to do so."⁵

In *In re Lesansky*,⁶ attorney Lesansky pled guilty to one felony count of an attempted lewd act on "a child of 14 or 15 years" when petitioner was "at least 10 years older than the child."⁷ In *Lesansky*, the Supreme Court stated that that unfitness to practice law may be shown by criminal conduct not committed in the practice of law or against a client.⁸ Ultimately, the Supreme Court concluded that where unlawful sexual conduct is committed against a child

⁴ (1976) 17 Cal.3d 416.

⁵ *In re Duggan*, *supra*, 17 Cal.3d at p. 423, citing *Grove v. State Bar* (1967) 66 Cal.2d 680, 685.

⁶ (2001) 25 Cal.4th 11.

⁷ *Id.*; Penal Code sections 664, 288, subd. (c)(1).

⁸ *In re Lesansky*, *supra*, 25 Cal.4th at p.15 citing *In re Gossage* (2000) 23 Cal.4th 1080, 1098 [stating that an attorney may be disbarred for acts of moral turpitude "in either a personal or professional capacity"].

substantially younger than the perpetrator, "...such conduct is 'extremely repugnant to accepted moral standards' and necessarily involves moral turpitude for purposes of attorney discipline."⁹

Here, Respondent's criminal conduct, much like that of the attorney in *Lesansky*, "...showed such a serious breach of the duties of respect and care that all adults owe to all children, and it showed such a flagrant disrespect for the law and for societal norms that continuation of [Respondent's] State Bar membership would be likely to undermine public confidence in and respect for the legal profession."¹⁰

In this matter, Respondent took affirmative steps to engage in sex with a minor, pleading guilty to two Virginia felony criminal statutes for attempted indecent liberties with a child under fifteen and for Internet solicitation of a minor, very serious offenses. The facts and circumstances surrounding Respondent's criminal convictions involved acts of moral turpitude. Accordingly, the proper standard that governs this matter is Standard 3.2, which calls for disbarment.

Standard 3.2, further provides that only if the most compelling mitigating circumstances predominate shall a lesser discipline than disbarment be imposed. In this matter, however, the mitigating circumstances are not sufficiently compelling, nor do they clearly predominate. They do not therefore rise to a level that could justify a sanction short of disbarment.

E. COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed him that as of October 7, 2010, the estimated prosecution costs in this matter are approximately \$7,296.27. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

H. PENDING PROCEEDINGS.

The disclosure date referred to on page two, paragraph A.(7) was October 7, 2010.

⁹ *Id.* [Citations omitted].

¹⁰ *In re Lesansky*, *supra*, 25 Cal.4th at p. 17.

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In the Matter of
RONALD MARC COHEN

Case number(s):
08-C-13108-DFM

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

10/8/10

Date


Respondent's Signature

Ronald Marc Cohen
Print Name


Date

10/13/10

Date

Respondent's Counsel Signature

Print Name


Deputy Trial Counsel's Signature

Ashod Mooradian
Print Name

(Do not write above this line.)

In the Matter of
RONALD MARC COHEN

Case Number(s):
08-C-13108-DFM

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public,
IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without
prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Ronald Marc Cohen

Respondent R is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

10/18/10

Date

Ronald Marc Cohen

Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 18, 2010, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE
ENROLLMENT; DISBARMENT**

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RONALD MARC COHEN
P O BOX 34755
WASHINGTON, DC 20043 - 4755**

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ASHOD MOORADIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 18, 2010.



Tammy Cleaver
Case Administrator
State Bar Court